



## ***Planning Commission Meeting Minutes***

DATE:	February 6, 2014
APPROVED BY:	Russell D. Schaedlich, Secretary (Approved on Feb. 24, 2014 as submitted)

### **MINUTES OF THE LAKE COUNTY PLANNING COMMISSION**

**January 28, 2014**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the meeting to order at 5:33 p.m.

#### **ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Flenner (alt. for Siegel), Morse, Pegoraro (alt. for Troy), Schaedlich, Siegel, Welch, Zondag, and Mmes. Hausch and Pesec. Legal Counsel present: Assistant Prosecutor Joshua Horacek. Planning and Community Development Staff present: Mr. Radachy and Ms. Myers.

Mr. Tim Flenner was introduced as Mr. Siegel's designated alternate.

#### **ELECTION OF OFFICERS**

Mr. Adams presented the Nomination Committee Report for 2014 Officers as follows:

December 17, 2013

To the Director, Chair and Members of the Lake County Planning Commission:

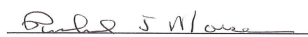
A Nomination Committee consisting of Stephen Adams, Russell Schaedlich and Richard Morse met after the December 17, 2013 Planning Commission meeting for the purpose of nominating the 2014 officers of the Lake County Planning Commission.

After a brief discussion, Randall Zondag was nominated to serve as the 2014 Chair; Richard Morse was nominated as Vice-Chair; and Russell Schaedlich was re-nominated to serve as Secretary. All nominees have agreed to serve in their respective offices.

The members of the Planning Commission wish to thank Geraldine Hausch for presiding and overseeing the matters of the Commission as Chair for the past two years (2012 and 2013). The Committee also wishes to thank all the loyal and dedicated Commission members and their alternates for their past commitment to the Planning Commission and to a future year of service to the good citizens of Lake County, Ohio.

  
Committee Chair, Stephen J. Adams

  
Vice-Chair, Russell D. Schaedlich

  
Recorder, Richard J. Morse

Mr. Pegoraro moved to accept the 2014 Planning Commission Officers as nominated: Mr. Zondag as Chair, Mr. Morse as Vice Chair and Mr. Schaedlich as Secretary. Mr. Brotzman seconded the motion.

All voted "Aye".  
Motion Passed.

Mr. Zondag took over the meeting in his new position as Chair.

## MINUTES

Mr. Adams corrected the spelling on his first name in two places on page 12 from Steven to Stephen. Page 14 was changed to show that Ms. Moran moved to adjourn the December 17, 2013 meeting and Mr. Brotzman seconded the motion.

Mr. Adams moved to approve the December 17, 2013 minutes and Mr. Welch seconded the motion.

Eight voted "Aye".  
Mr. Siegel and Mr. Welch abstained.

## 2014 MEETING DATES AND TIMES SCHEDULE

There was a short discussion about the tentative November and December 2014 dates submitted.

Mr. Zondag stated the November 25, 2014 date would stay as submitted and the December 16<sup>th</sup> date was chosen. The Schedule was then approved with these changes by consensus.

## FINANCIAL REPORTS

### December 2013 Financial Report

Mr. Siegel moved to accept the December 2013 Financial Report as submitted and Mr. Pegoraro seconded the motion.

All voted "Aye".

### 2014 First Quarter Temporary Budget

Mr. Radachy stated that the \$77,206.50 line item funds the salaries for Ann Myers, David Radachy, Elaine Truesdell, and part of Marian Norman's were included in this budget. They allocated \$59,621.00 for CDBG and HOME which covers the remainder of Ms. Norman's salary and all of Rhea Benton's. Staff received a 2 ½% salary increase in January 2014.

Ms. Hausch moved to accept the Temporary Budget for the first quarter of 2014 and Ms. Pegoraro seconded the motion.

All voted "Aye".  
Motion passed.

### PUBLIC COMMENT

There was no public comment.

### LEGAL REPORT

Mr. Joshua Horacek, Assistant Prosecutor, had received an email today from Mr. George Hadden from the County Engineer's Office, who had planned to be here but couldn't be here because of some other issues. Mr. Hadden indicated a letter and drawing for the Kimball Estates drainage correction has been sent to the Developer. The storm sewer can be installed in this weather and the final grading and seeding can be done in the Spring. He will follow up with the Developer next week although he was assured the Developer will contact him before that date.

Mr. Brotzman said he had not seen anything from Mr. Hadden since November and had not seen a draft of the letter or the drawing.

Mr. Horacek was asked by the Chair if he had seen a copy of the letter. He informed the Commission that he did not think it would be appropriate for him to comment on this specific legal advice.

### DIRECTOR'S REPORT

Mr. Radachy reported on the following items:

- Lake County General Health District received a Transportation Livable Communities Initiative Grant from NOACA. They will be working to attempt to combine six

communities together with lake trails and create a blue trail. Staff will be assisting with this project.

- They started a retail trade survey for which we received \$16,000 from NOACA, a regional benefit funding. They will begin reviewing the entire County retail-wise and compare it to the 1999-2000 Plan that was completed to see what kind of square footage is available and where things have changed in order to look at future trends.
- Concord Township is starting a comprehensive plan. They asked the Director to sit on the committee, which should start soon.
- The Lake County Board of Commissioners has authorized funding for an Intern. We received eight resumes for the Intern position. The Director will be interviewing four candidates in the next two days. He is hoping to fill the position and have someone in the office sometime in February.
- Ms. Myers had written model letters for the members to write to the Commissioners to designate, replace or remove an alternate to follow ORC 1713. These are available to all members by email if they should desire one. The member submits a letter to the Commissioners and they put the alternate's name on record and then the resolution is usually passed.

## ANNOUNCEMENT

Mr. Radachy announced that they had a brainstorming session for this year's Zoning Workshop. It appears like it will be held on June 6 at Geneva State Park. He still needs a signed contract between APA Ohio and Geneva State Park. When this is completed, he will be able to officially announce the workshop.

## SUBDIVISION REVIEW

### Concord Township – Concord Ridge, Phase 2, Final Plat, 13 Lots on 12.455 Acres

Mr. Radachy introduced this Subdivision as being the Final Plat of Phase 2 of Concord Ridge in Concord Township. This is the first phase on an actual road and sanitary improvements. It is on 12.455 acres and consists of 13 sublots. Concord Ridge Development, LLC is the Developer and Polaris Engineering is the Engineer.

The first phase was a three-lot parcel Plat on an existing road with 1.3 acres of open space. Phase 2 has thirteen lots with 2.44 acres of open space. They will have dedicated 3.7 acres of open space and will need to get up to 48% eventually. Each phase will continue to have open space attached to it.

The site is located off the extension for Forest Valley Lane and Meridith Lane coming together in the center of the Subdivision. There is still no direct access to S. R. 608 or Winchell Road. It is a subdivision between two other subdivisions. This will be the first phase of

Meridith Lane that will connect to the existing section of Meridith Lane coming out of Stafford Springs. There are three stub streets for future cul-de-sacs with the stubs going towards Meridith Lane.

Staff stated there were nine stipulations and three comments on the Final Plat and 13 stipulations and 12 comments on the Improvement Plans. They are listed below:

Proposed Final Plat Stipulations:

1. The plat cannot be recorded until the improvements are installed, inspected, accepted and placed into maintenance or a construction surety or bond is in place to guarantee construction of the improvements. *Article V Section 10*
2. The temporary cul-de-sac easement needs to be shown on subplot 66 and onto the unsubdivided land. *Article III Section 6(D)(3)(h)*
3. Change the name of the easement in the future right-of-way from "Stormwater Easement" to "Drainage Easement". *Article III Section 6(D)(1)(e)*
4. Provide easement language for the stormwater easement on the plat cover sheet and write the stormwater easement to be released upon dedication of new right-of-way. *Article III Section 6(D)(1)(e)*
5. Proposed driveways for subplot 3 should connect to an existing, dedicated road right-of-way. *LC Planning and Community Development*
6. The responsible party for the maintenance of the open space areas shall be identified on the final plat. During the preliminary plan review (under the zoning amendment process) by the Township, we received written notification that this was being pursued by the Lake County Soil and Water Conservation District. Note on the Plat that designated open space areas shall be prohibited from further subdivision or development, and shall be maintained and preserved in their natural state, as set forth in the Concord Township Zoning Resolution. Clearly mark all open spaces prior to clearing the site. *Trustees*
7. The Restrictive Covenants for Concord Ridge state that buildings shall have a minimum distance of 40 feet from the right of way, or as required by Concord Township. The plat shows a front building setback line of 30 feet, if the 40 foot setback will be enforced, then this should be reflected on the plat. *Concord Township*
8. Plat shall conform to subdivision Improvements. *LC Engineer*

9. 20 foot Storm Sewer Easement is not granted to any authority. *LC Engineer*

Proposed Final Plat Comments:

1. Staff has two versions of the language for the local service drainage easement. One version is for maintenance of the storm water facility by the homeowners association and one version has the maintenance of the facility by adjacent homeowners. You can modify the LSD Easement language for adjacent homeowners by changing the name and using it for yard drains while keeping the HOA language in place for the detention ponds and other larger facilities. Giving the yard drains to the adjacent property owners may make their lives easier in the future.
2. The proposed lot sizes and building setbacks conform to the R-2, RCD District Zoning and the proposed lot configurations conform to the approved Township Preliminary Plan for Concord Ridge.
3. Crossroads Drive should be extended to the eastern property line of subplot 3 prior to construction on this property so that this parcel has an improved frontage across the full width of the lot.

Proposed Improvement Plan Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C
2. Until improvement plans for the subdivision are approved, properly endorsed and accepted, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three-year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*

4. The plat and plans do not match. The final plat has stormwater easement marked on it for the easement in the future right-of-way. The improvement plans are using local service drainage easement.
5. The developer is proposing to use stone for a temporary cul-de-sac instead of pavement. The subdivision regulations require it to be paved. *(Variance has been requested)*
6. Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for final review. *Utilities Dept., Sanitary Engineer.*
7. All fire hydrants to be self draining and equipped with a 5" Stortz fitting on the steamer outlet. Fire flows must meet the ISO minimum requirements of 1,000 gallons per minute for one and two family dwellings which do not exceed 3,600 square feet. *Concord Twp. Fire Dept.*
8. We want to be in the same trench as power and phone. *Time Warner Cable*
9. Applicant needs to submit a plan review application and review fee to the Lake County SWCD for full and final plan review. *LCSWCD*
10. All preservation areas (conservation easements, wetlands, streams, and open space) must be marked off with clearly visible fencing prior to site disturbance. These areas must also be clearly labeled on all copies of the SWP3 Plan. *LCSWCD*
11. It has been observed in the plans that a 36" storm sewer that is running parallel to the proposed Crossroads extension and outlets in the proposed detention area will be excavated according to the plans too close to the gutter portion of the road. Our concern would be with future settlement of the trench area causing the road gutter to settle away from its original spec and become ineffective. This phenomenon has occurred on Nob Hill, High Bluff and the Ellison Creek Development. We suggest that the zone of influence be set back at a point where no destabilization of the gutter area will occur which would lead to long term settlement. Also the 42" crossover area should be filled with premium fill and compacted to meet road construction standards. *Concord Twp. Service Dept.*
12. 3 foot minimum side yard clearance required for driveways. *LC Engineer*
13. Stormwater Management report shall be submitted for review and approval. I assume the pond will be designed and constructed for future phases. *LC Engineer*

Proposed Improvement Plan Comments:

1. Improvement Plans have been submitted. *Time Warner Cable*
2. Contact Cindy Smith for mainline extension/service. *Dominion East Ohio*
3. Additional means of access required. Subdivisions with a total of 30 or more lots are required to have two (2) means of access for safety purposes per the Ohio Fire Code Appendix D Section D107.1. Roadways shall be a minimum of 22 feet in width, shall not exceed 10 percent in grade and have a minimum turning radius of 28 feet at intersections. Cul-de-sacs must be provided with a minimum diameter of 120 feet per the Ohio Fire Code Appendix D Section D103.3. Drawing indicates Meredith Lane to end at S/L 39. The roadway and fire hydrants to be completed to the existing Meredith Lane for access from Winchell Road. *Concord Twp. Fire Dept.*
4. Fire hydrants may be spaced no further than 500 feet. A fire hydrant shall be placed at the entrance of all streets and cul-de-sacs. Streets longer than 800 feet to have a fire hydrant at the beginning of the street, midpoint of the street and at the end of the street. *Concord Twp. Fire Dept.*
5. Streets and fire hydrants must be installed and operational prior to the start of construction of structures. Concord Township Fire Prevention to be notified to all scheduled flushing and 2 hour hydrostatic testing of underground piping and fire hydrants for the purpose of auditing of these procedures. *Concord Twp. Fire Dept.*
6. Street name signs and "NO PARKING HYDRANT SIDE OF STREET" signs shall be provided and installed prior to the start of construction of any structure. Street signs shall be in accordance with the Ohio Fire Code Section 505.2. All contractors are to be instructed NOT to park on the hydrant side of the street during construction. *Concord Twp. Fire Dept.*
7. Concord Township fire Department will require a street name change if it is determined one is similar to others already established in Concord Township. Concord Township Fire Prevention will not approve "Stub Streets" of any length. *Concord Twp. Fire Dept.*
8. Building numbers and/or identification must be provided during all phases of construction of a structure. *Concord Twp. Fire Dept.*
9. Potable water to be supplied by the City of Painesville per their "Franchise Agreement" with the Board of Lake County Commissioners. *Utilities Dept., Sanitary Engineer*



10. Details for erosion and sediment control plan are currently being worked out with developer and SWP3 engineer. *LCSWCD*
11. An abbreviated ESC Plan regarding the requested grading and clearing variance is pending submission by the developer. *LCSWCD*
12. In regards to new development and the additional burden this puts on drainage systems we would like to further examine the control measures that are implemented or even considered by the developer and the planning components who could help mitigate and deter downstream erosion and potential flooding. With that said we have two items for consideration as follows:
  - A. Are detention structures currently designed to retain short term substantial rain events from impacting downstream neighboring systems due to the rapid run off from higher terrain?
  - B. Can more trees be left intact to capture and store rainfall within their canopy temporarily during rain events to assist in this control measure?

Most of the issues are on easement language in the Improvement Plans and the Final Plat Cover Sheet. The same easements are shown as different types on the Plans and Plats, which need to be corrected. The Developer is proposing not to put in a full temporary cul-de-sac. He is proposing to do a hammerhead cul-de-sac and putting in gravel around it to form the cul-de-sac. He has informed staff that he will be extending Meridith Lane further down the line and submit those plans next month. He does not see the need to put in a temporary cul-de-sac. He has requested a variance to be discussed after the Final Plat and Improvement Plans have been discussed. It is one of two variances placed on the agenda for this Subdivision. In order for him to ask for a variance, we have to stipulate for it.

Mr. Adams asked for more information on the hammerhead turnaround and Mr. Radachy replied that a fire truck could pull into one side and back into the other to turn around. In the Ohio Administrative Code, there is the Ohio Fire Code. In the Fire Code, they have different types of turnarounds for fire trucks. The hammerhead allows you to do a three-point turn. It is in the form of a Hammerhead Shark.

Ms. Pesec stated that it talked about the responsible parties for the open space in the Final Plat stipulations. She asked if this was determined yet. Mr. Radachy replied that it was determined that the Lake County Soil and Water Conservation District was going to be taking a conservation easement over the land that is remaining in ownership of the Homeowners' Association and Soil and Water will eventually have full enforcement authority on their conservation easement to protect the land.

Ms. Pesec wanted to know if it would be on all 49 acres and was told it would by Mr. Radachy.

Mr. Zondag wanted to know who would enforce those issues, the HOA or the individual who is causing the issue. Mr. Radachy stated that, when the neighbors can determine who the responsible party was, then they would enforce it on them. If they cannot make this determination, they may have to go after the HOA in general.

Ms. Pesec asked if there would be the ability for oil and gas development in the open space. Mr. Radachy did not know and referred this question to the Developer.

The Developer, Rick Sommers of Concord Ridge Development, LLC stated oil and gas drilling is specifically prohibited on the entire site. Any surface disturbance is strictly prohibited in the conservation easement. Ms. Pesec said they could drill underneath the prohibited depth and Mr. Sommers admitted there is the possibility that it could be drilled horizontally from another site. Mineral rights for the people buying in the Subdivision green space goes down 500 feet. Those people will have their surface rights as well as the conservation easement holder in the 49 acres of open space. That agreement prohibits any oil and gas drilling.

Ms. Pesec stated that long term, if and when a problem comes about after the drilling is completed, the Homeowners Association will be responsible. Do the people buying know that they do not own all the mineral rights and/or is it specifically written on each plat?

Mr. Sommers affirmed that they will know because it is on their deed that the Homeowners have that responsibility. It is disclosed. As far as diverting, if the oil company were to drill a hole horizontally, he did not think the Homeowners Association or the conservation holder had to take those rights back.

Ms. Pesec knew for a fact that it would revert to the homeowner. It would be dependant on the way the lease is written, but from what she has seen, it usually comes back to the owner once the company has decided that they do not want to use it any longer.

Mr. Adams asked if there would be a time limitation on the temporary cul-de-sac. He was told this would be discussed under the variance request discussion. Right now it is stipulated that they have to install a full concrete cul-de-sac.

Staff recommends approval of the Final Plat and Improvement Plans with the stipulations presented.

Mr. Siegel moved to approve the Concord Ridge, Phase 2 Final Plat with 9 stipulations and 3 comments and the Improvement Plans with 13 stipulations and 12 comments per the recommendations of staff. Ms. Hausch seconded the motion.

All voted "Aye".  
Motion Passed.

#### Concord Township - Concord Ridge, Phase 2, Variance to Article I, Section (B)

Mr. Radachy stated there were two variance requests made on the Concord Ridge, Phase 2 Subdivision. The first variance is a grading variance. According to the Regulations they have to submit their Improvement Plans before they can do any sort of installation of equipment or grading. The Improvement Plans have to be accepted by the County Commissioners after approval by the Sanitary Engineer, Soil and Water Conservation District and the County Engineer. They are asking to be able to remove the stumps and do a preliminary grade in order to try to dry out the site.

The second variance is on the temporary cul-de-sac asking for a hammerhead cul-de-sac with a gravel full cul-de-sac around it.

All the agencies involved with the grading variance, Concord Township, County Engineer, and Lake Soil and Water Conservation District have recommended they be allowed to do so as long as they file a SWP3 Plan, which is a smaller Soil Erosion Control Plan. Once that has been approved by the Soil & Water District, they will have full enforcement over the road.

The following are the reviewing agencies comments and staff's recommendation with conditions:

#### REVIEW AGENCIES COMMENTS:

1. The developer has received approval from the Lake County Soil and Water Conservation District on right-of-way clearing SWP3 Plan. *LCSWCD*
2. Grading of Phase 2 is acceptable as long as erosion and sediment practices are adhered to. *County Engineer*
3. All areas to be cleared shall be clearly marked, and any necessary transgression into open space areas shall be noted and subsequently landscaped with vegetation that is compatible with the natural characteristics of the site as per section 16.24 C(4) of the Concord Township Zoning Resolution. *Concord Township Trustees*

4. We recommend that any stump holes which would be considered within future road sections be filled and compacted with materials which will sustain the integrity of those areas during development and post construction. *Twp. Service Dept.*
5. Again consideration should be taken into account for the impact total clearing and deforestation has on local drainage and how it may impact the development in the future and its downstream neighbors. *Twp. Service Dept.*

Staff recommended approval with the following conditions:

1. Obtain approval for right-of-way SWP3 plan from LCSWCD.
2. Replace any damaged vegetation in the open space as per the Township's comment.

Mr. Sommers stated that he had submitted the SWP3 Plan with Lake County Soil and Water and received a letter this morning saying the small improvements plan had been approved as drawn.

An additional condition was to be added to those submitted stating minor grading shall be allowed. Minor grading includes and is limited to removing of tree stumps, filling of holes created by removing of stumps and placing of a grade that would allow water to flow off the right-of-way area and storm sewer/detention pond easement areas. Installation of improvements and further grading shall be prohibited until the Improvement Plans are accepted by the Board of County Commissioners.

Mr. Siegel made a motion to approve the Variance to Article I, Section 4(B) Grading with staff's two submitted conditions, the five reviewing agencies' comments, and the additional condition made by the Planning Commission. Mr. Morse seconded the motion.

All voted "Aye".  
Motion passed.

#### Concord Township - Concord Ridge, Phase 2, Variance to Article IV, Section 3(B)(8)

Mr. Radachy introduced the second variance as being on Article IV, Section 3(B)(8), Temporary Cul-de-sacs. They are requesting to use a hammerhead shaped temporary cul-de-sac with a full-sized cul-de-sac of gravel around it in Concord Ridge, Phase 2 Subdivision instead of a regular paved temporary cul-de-sac. This is on the same site and area as the first variance. There was a model diagram of how a hammerhead cul-de-sac would look in tonight's handout. The material used would be asphalt with curbs. These have been used in the past. The Developer is planning to submit Phase 3 next month.

The following are the reviewing agency comments and the staff's recommendation on this variance:

REVIEW AGENCIES COMMENTS:

1. Stone not accepted for a temporary cul-de-sac. *LC Engineer*
2. Concrete curbs cannot be within the temporary cul-de-sac. *LC Engineer*
3. It is the opinion of this department to pave this area since there is only an estimated schedule for continuation and we would want a surface that is sustainable for winter maintenance procedures and to provide capacity for large truck conveyance, specifically emergency vehicles. Similar development practices in Concord's recent past have proven to not always carry through to completion in accordance with initial scheduling and some cases are still incomplete. *Twp. Service*
4. Request that all areas proposed as stone/gravel be hard surfaced (paved). The Service and Fire Departments' equipment need assurance of proper compaction and support for all-weather use. *Trustees*

Staff recommended disapproval on this variance.

Mr. Radachy explained that the main concern on allowing this is that Phase 3 has not been filed. Once this is varied and the stone is put down, there is no way to force the Developer to put pavement in if Phase 3 is not filed.

Mr. Pegoraro suggested he could bond it and Mr. Radachy replied that was an option.

Mr. Radachy stated that on Quail Hollow, Phase 7, there was a section of road where a temporary cul-de-sac was to be put in, but Phase 9 came in two months before they finished their plans so there was no reason for them to install a temporary cul-de-sac. In order for them to file their Plat, they needed to fulfill their obligation to do the cul-de-sac. They had made the full temporary cul-de-sac as part of their Improvement Plans. They put up the money for that temporary cul-de-sac and replaced it with a construction surety, a temporary cul-de-sac plus maintenance. They were then able to file their Final Plat. When Phase 9 was recorded, their surety was released and they replaced it with full maintenance.

He also pointed out they also had a similar situation where the end of Mountainside Farms 3B was. Mountaintop Estates filed before Mountainside Farms 3B was installed. The Developer was granted a stone cul-de-sac, but he had already started to put in his right-of-way in the temporary cul-de-sac. We knew that the road was going to be built within six or seven months and then he would bond his Plat. In this case, they were allowed to file the Plat with a temporary cul-de-sac made of stone.

The reviewing agencies were very negative towards doing this because there is no Phase 3 yet and there is no way of guaranteeing that it will be built. Concord Township and the County Engineer have spoken against it and the County Engineer was also concerned that the image of the Hammerhead shows curbs. He recommends, if we do allow for the stone, that they do not install the curbs.

Staff recommended denying the variance because there is no guarantee that Phase 3 will be filed.

Mr. Adams remembered this happening in the past and wondered if we were able to set a time limit on the existence of a temporary cul-de-sac as with a permanent cul-de-sac. Mr. Radachy stated that the Regulations require that a temporary cul-de-sac be built as full concrete because we have no idea when they will be opened for connection in the future. One subdivision in Concord in Wyntree off Morley Road that was installed in the 80's and Hermitage Bluffs came in 2001 or 2002 and removed the temporary cul-de-sac. It was 20 years before that temporary cul-de-sac was opened.

Mr. Zondag asked who would be responsible to take the stone out when the road goes in. Mr. Radachy replied it would be the same as a regular temporary cul-de-sac. Whoever wants to extend the road would be responsible to remove the temporary cul-de-sac. It would be part of the construction costs of the next phase.

Mr. Brotzman questioned if that would be tied to a time frame within six months.

Mr. Radachy said if they used a standard construction surety, it would be two years. If this body were to recommend they do the variance with a time limit of a bond maturity, it can specify the time limit as a condition of the variance.

Ms. Pesec asked if the County Engineer would be responsible in any way for this. Mr. Radachy said the subdivider's engineer would be responsible to submit the plans and specs for the full cul-de-sac and determine the costs. These costs are taken to the County Commissioners and will eventually be passed by resolution. The Commissioners would set the construction surety. He did not believe the County Engineer would be responsible for this process.

Mr. Brotzman was concerned that if there were a provision to have it built after a period of time, would the staff have to "birddog" this and Mr. Radachy answered, "Yes." He would be more comfortable if the Board would specify one year after the construction estimates are approved by the County Commissioners.

Ms. Pesec was concerned about what would happen if this variance was not approved today and the next phase was to come in a couple of months and there would no longer be a need for the variance.

Mr. Radachy said in order for the Plat to be filed for the first Phase, the turnaround would still need to be there. Even if construction is started on the next phase during the same time, the road is not given to the Township and they would not have a legal right to run traffic across it until the Plat is filed.

Mr. Sommers had asked for a 12-month variance on the submitted application. The bond would be for the full amount of the improvements so the bond would be available to use to complete this if something were to happen with the next phase. He would be willing to add a 10% administration fee to the bond if necessary. The Plat could not be filed without having the cul-de-sac. In theory, it could be installed and then he would have to rip it all out a month later. If a bond would accomplish the concerns of the Board and the 12 month period, why build it?

Staff thought the bond would give some security both to the County and the Township.

Ms. Pesec questioned if the Township had been given this option and was informed they were not.

Staff's recommendation is currently to recommend denial of the variance, but the Board can make a motion to approve the variance with the condition that the Developer is given a 12-month maximum on the stone cul-de-sac and that a bond must be put in place for the construction of a paved temporary cul-de-sac.

Mr. Siegel moved to approve the variance with the requirement of a 12-month time limit and that it is bonded.

Mr. Pegoraro stated he would like to see the complete detailed schematic of the concrete turnaround indicated on the plans.

Mr. Radachy stated that, in order for us to develop proper planning specs with the amount of money to construct the temporary cul-de-sac, the Engineer is going to have to do a paved temporary cul-de-sac.

Mr. Siegel was reminded of the need for the variance to be amended to not install the curbs at this time.

Mr. Siegel restated the motion to include approving the variance with a bond for a period of one year and to install the temporary cul-de-sac with stone and no curbs. If the Developer/Engineer fails to extend the road within 12 months, the Developer will come back and put in a full cul-de-sac. If the next phase is started and the temporary stone is removed, the curbs will then be installed. Mr. Pegoraro seconded the re-stated motion.

All voted "Aye".  
Motion passed.

Leroy Township – Stein Farms, Phase 1, Final Plat, 20 Lots on 39.876 Acres; Stein Farms, Phase 2, Final Plat, 20 Lots on 58.0367 Acres; Stein Farms, Phase 3, Final Plat, 21 Lots on 45.844 Acres; Stein Farms, Phase 4, Final Plat, 15 Lots on 33.4424 Acres

Mr. Radachy asked the members to approve each phase separately, but he wanted to run through the phases together on Stein Farms Final Plats for Phases 1, 2, 3 and 4. They are located in Leroy Township with Phase 1 consisting of 20 lots on 39.876 acres, Phase 2 with 20 lots on 58.0367 acres, Phase 3 with 21 lots on 45.844 acres and Phase 4 with 15 lots on 33.4424 acres. Stein Farms is located on Leroy-Thompson Road near State Route 86. There is a creek on the eastern side of the property.

The following are the proposed submitted stipulations and comments for Phases 1,2 3 and 4.

#### PHASE 1:

##### Proposed Final Plat Stipulations:

1. Sight distance does not comply on east bound on Leroy-Thompson Road with the 500 feet required by the Lake County Subdivision Regulations. *Article IV Section 3(C)(1)*
  - a. We are concerned that the roadway outlet will be insufficient. *Leroy Township Trustees*
2. Staff questions the sight distance compliance west bound on Leroy-Thompson Road with the 500 feet required by the Lake County Subdivision Regulations. *Article IV Section 3(C)(1)*
  - a. We are concerned that the roadway outlet will be insufficient. *Leroy Township Trustees*
  - b. Required site distance for proposed intersection with Leroy-Thompson Road must be met. *L.C. Engineer's Office*



3. Glacier Cliff block length is 3,179.94 feet +/- . This exceeds the maximum block length of 2,100 feet by 1,179.94 feet. *Article IV Section 3(G)(2)* Variance was granted with conditions. Those conditions have not been adhered to yet.
4. Road intersections are required to have 30 degree turn-outs. The intersection of Glacier Cliff and Leroy Thompson Road only has one turn-out. *Article IV Section 3(B)(11)*
5. Until Improvement Plans for the Subdivision are approved, properly endorsed and accepted, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
6. The Plat cannot be recorded until the improvements are installed, inspected, accepted and placed into maintenance or a construction surety or bond is in place to guarantee construction of the improvements. . *Article V Section 10*
7. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three-year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
8. Any changes to lot size, frontage or other dimensions required by other agencies (County Engineer, Lake County General District Health District, US Army Corps of Engineers, OEPA, etc.) will require the Plat to be resubmitted. *Article V Section 8(D)*
9. Signature lines need to be corrected. Replace Leroy Township Trustee Linda Burhenne with Heather Shelton and replace Lake County Planning Commission Secretary Jason Boyd with Russell Schaedlich. *Article III Section 6 (D)(1)(c)*
10. Proper easement language with storm sewer and drainage easements will be determined when the improvement plans are submitted. Changes may be required to the Plat. Lake County Board of Commissioners will not take any storm water easements. *Article III Section 6 (D)(1)(e) & (h)*
11. Easement language on the cover sheet and on the Plat Map must conform. The cover sheet has easement language for Local Service Drainage Easement and the Plat has Drainage and Storm Sewer Easements on it. The standard easement language for easements handling storm water facilities that are maintained by the HOA or adjacent homeowners is the Local Service Drainage Easement. *Article III Section 6 (D)(1)(e) & (h)*

12. Any mortgages on the right-of-way must be released prior to the Plat being recorded. A title policy will be required to verify if mortgages exist or do not exist. *Article III Section 6 (D)(1)(d)*
13. Stub streets are prohibited by the Lake County Subdivision Regulations. A temporary cul-de-sac easement for Glacier Cliff is required to be shown on the Plat. *Art. III Sect. 6 (D)(3)(h)*
14. Ownership of parcel 07A-008-0-00-005-0 needs to be shown. *Article III Section 6(D)(3)(m)*
16. Existing structures must be removed prior to final approval. *Leroy Twp. Zoning Inspector*
17. Prior to issuance of a Certificate of Occupancy, the Lake County Building Department shall have confirmation and receive the Plumbing Certificate of Use from the Lake County General Health District, and confirmation and receive the Final Grade / Drainage Inspection from the Lake County Engineer's Office or the Jurisdiction's City / Village Engineer. *L.C. Building Official*
18. No residential building or structure, in whole or in part, shall be used or occupied until the residential building official has issued an approval in the form of a certificate of occupancy. The certificate of occupancy shall indicate the conditions under which the residential building shall be used. The building owner shall only use the structure in compliance with the certificate of occupancy and any stated conditions. The residential structure and all approved building service equipment shall be maintained in accordance with the approval. When a residential building or structure is entitled thereto (constructed according to the approved construction documents, final tests and inspections are completed, and no orders of the building official are outstanding, or as permitted in section 111 of the current 2007 Residential Code of Ohio and all successors thereto), the residential building official shall issue a certificate of occupancy in a timely manner. *L.C. Building Official*
19. The Subdivision review requests for the Stein Farm Subdivision Plats Phases 1 through 4 can be summarized with our earlier comments. Furthermore, without improvement plans, it is difficult to determine if the proposed Plat layout will conform to the improvement plans. Although the County Engineer can approve this general Final Plat layout, the County Engineer cannot recommend that the Plat be recorded until either the improvements are completed or surety is posted to complete the Subdivision. *Lake County Engineer*

Proposed Plat Comment:

1. Lots with a 20-foot drive will be addressed with the street it is located on. *Leroy Twp. Zoning Inspector*

2. It is noted that access to the Subdivision is proposed to be from Leroy-Thompson Road, not SR 86, but the Subdivision entrance is approximately 700 feet from SR 86. A majority of the traffic is expected to enter and exit via SR 86.
3. Subdivision lacks allowances for adequate fire prevention. *Leroy Twp. Fire Dept.*
4. No hydrants, only one way into the development. A pond and dry hydrant would be needed for fire prevention. *Leroy Twp. Fire Dept.*
5. We want to be in the same trench as power and phone. *Time Warner Cable*
6. The intersection of SR 86 and Leroy-Thompson Road generally exhibits poor intersection sight distance to the southeast due to a combination of vertical and horizontal curvatures.

Leroy-Thompson Road intersects SR 86 at a skew at an angle below the recommended minimum angle of 70 degrees for unsignalized intersections. This heavy skew compounds the difficulty of executing turns to and from Leroy-Thompson Road.

Presently this intersection does not exhibit a noteworthy history of crashes. This Office believes this is due to very light existing traffic volumes. The crash problem is expected to worsen with additional traffic that will likely include an increase in young, inexperienced drivers.

Please identify the expected treatment for school bus pickups/drop-offs. Will the stops be on SR 86, Leroy-Thompson Road, or from within the Subdivision? Again, sight distance conditions on SR 86 are not favorable for pick-up and drop-offs for large numbers of students.

The Ohio Department of Transportation (ODOT) requests a thorough analysis of intersection sight distance at the intersection of SR 86 and Leroy-Thompson Road as a condition of approval for this Subdivision to determine whether any reasonable improvements can be made to improve the safety of the operation at this intersection as a condition of approval. *ODOT*

## PHASE 2:

### Proposed Final Plat Stipulations:

1. Glacier Cliff block length is 3,179.94 feet +/- . This exceeds the maximum block length of 2,100 feet by 1,179.94 feet. *Article IV Section 3(G)(2)* Variance was granted with conditions. Those conditions have not been adhered to yet.

2. Until Improvement Plans for the Subdivision are approved, properly endorsed and accepted, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. The Plat cannot be recorded until the improvements are installed, inspected, accepted and placed into maintenance or a construction surety or bond is in place to guarantee construction of the improvements. *Article V Section 10*
4. Any Subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the Subdivision goes into the maintenance phase. *Article V Section 8(D)*
5. Any changes to lot size, frontage or other dimensions required by other agencies (County Engineer, Lake County General District Health District, US Army Corps of Engineers, OEPA, etc.) will require the Plat to be resubmitted. *Article VI Section 6*
6. Signature lines need to be corrected. Replace Leroy Township Trustee Linda Burhenne with Heather Shelton and replace Lake County Planning Commission Secretary Jason Boyd with Russell Schaedlich. *Article III Section 6(D)(1)(c)*
7. Proper easement language with storm sewer and drainage easements will be determined when the improvement plans are submitted. Changes may be required to the Plat. *Article III Section 6(D)(1)(e) & (h)*
8. The preservation areas must have bearings and distances. *LC Planning & Comm. Dev.*
9. Easement language on the Cover Sheet and on the Plat Map must conform. The Cover Sheet has easement language for Local Service Drainage Easement and the Plat has Drainage and Storm Sewer Easements on it. The standard easement language for easements handling storm water facilities that are maintained by the HOA or adjacent homeowners is the Local Service Drainage Easement. *Article III Section 6(D)(1)(e) & (h)*
10. Any mortgages on the right-of-way must be released prior to the Plat being recorded. A title policy will be required to verify if mortgages exist or do not exist. *Article III Section 6(D)(1)(d)*

11. Stub streets are prohibited by the Lake County Subdivision Regulations. A temporary cul-de-sac easement for Glacier Cliff is required to be shown on the Plat. *Art. III Sect. 6(D)(3)(h)*
12. Existing structures must be removed prior to final approval. *Leroy Twp. Zoning Inspector*
13. No residential building or structure, in whole or in part, shall be used or occupied until the residential building official has issued an approval in the form of a certificate of occupancy. The certificate of occupancy shall indicate the conditions under which the residential building shall be used. The building owner shall only use the structure in compliance with the certificate of occupancy and any stated conditions. The residential structure and all approved building service equipment shall be maintained in accordance with the approval. When a residential building or structure is entitled thereto (constructed according to the approved construction documents, final tests and inspections are completed, and no orders of the building official are outstanding, or as permitted in section 111 of the current 2007 Residential Code of Ohio and all successors thereto), the residential building official shall issue a certificate of occupancy in a timely manner. *L.C. Building Official*
14. The Subdivision review requests for the Stein Farm Subdivision Plats Phases 1 through 4 can be summarized with our earlier comments. Furthermore, without improvement plans, it is difficult to determine if the proposed Plat layout will conform to the improvement plans. Although the County Engineer can approve this general Final Plat layout, the County Engineer cannot recommend that the Plat be recorded until either the improvements are completed or surety is posted to complete the Subdivision. *Lake County Engineer*
15. Prior to issuance of a Certificate of Occupancy, the Lake County Building Department shall have confirmation and receive the Plumbing Certificate of Use from the Lake County General Health District, and confirmation and receive the Final Grade / Drainage Inspection from the Lake County Engineer's Office or the Jurisdiction's City / Village Engineer. *L.C. Building Official*

Proposed Plat Comments:

1. Lots with a 20 foot drive will be addressed with the street it is located on. *Leroy Twp. Zoning Inspector*
2. It is noted that access to the Subdivision is proposed to be from Leroy-Thompson Road, not SR 86, but the Subdivision entrance is approximately 700 feet from SR 86. A majority of the traffic is expected to enter and exit via SR 86.
3. Subdivision lacks allowances for adequate fire prevention. *Leroy Twp. Fire Dept.*

4. No hydrants, only one way into the development. A pond and dry hydrant would be needed for fire prevention. *Leroy Twp. Fire Dept.*
5. We want to be in the same trench as power and phone. *Time Warner Cable*

### PHASE 3:

#### Proposed Final Plat Stipulations:

1. Until Improvement Plans for the Subdivision are approved, properly endorsed and accepted, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
2. The Plat cannot be recorded until the improvements are installed, inspected, accepted and placed into maintenance or a construction surety or bond is in place to guarantee construction of the improvements. *Article V Section 10*
3. Any Subdivision with a Preliminary Plan filed after 1/27/04 will be required to provide a three-year maintenance bond or surety when the Subdivision goes into the maintenance phase. *Article V Section 8(D)*
4. Any changes to lot size, frontage or other dimensions required by other agencies (County Engineer, Lake County General District Health District, US Army Corps of Engineers, OEPA, etc.) will require the Plat to be resubmitted. *Article IV Section 6*
5. Signature lines need to be corrected. Replace Leroy Township Trustee Linda Burhenne with Heather Shelton and replace Lake County Planning Commission Secretary Jason Boyd with Russell Schaedlich. *Article III Section 6(D)(1)(c)*
6. Proper easement language with storm sewer and drainage easements will be determined when the Improvement Plans are submitted. Changes may be required to the Plat. Lake County Board of Commissioners will not take any storm water easements. *Article III Section 6(D)(1)(e) & (h)*
7. Easement language on the cover sheet and on the Plat map must conform. The cover sheet has easement language for Local Service Drainage Easement and the Plat has Drainage and Storm Sewer Easements on it. The standard easement language for easements handling storm water facilities that are maintained by the HOA or adjacent homeowners is the Local Service Drainage Easement. *Article III Section 6(D)(1)(e) & (h)*

8. Any mortgages on the right-of-way must be released prior Plat being recorded. A title policy will be required to verify if mortgages exist or does not exist. *Art. III Sect. 6(D)(1)(d)*
9. Stub streets are prohibited by the Lake County Subdivision Regulations. A temporary cul-de-sac easement for Fallen Timbers is required to be shown the on Plat. *Article III Section 6(D)(3)(h)*
10. A radius for the temporary cul-de-sac on Yukon Drive must be provided. *Art. III Sect. 6(D)(3)(h)*
11. The preservation areas must have bearings and distances. *LC Planning & Comm. Dev.*
12. Sublot 41 must maintain the 60 foot width which cannot be decreased between the right-of-way to the where the lot width increases to 150 feet. *Article IV Section 7(A)(3)*
13. Existing structures must be removed prior to final approval. *Leroy Twp. Zoning Inspector*
14. No residential building or structure, in whole or in part, shall be used or occupied until the residential building official has issued an approval in the form of a certificate of occupancy. The certificate of occupancy shall indicate the conditions under which the residential building shall be used. The building owner shall only use the structure in compliance with the certificate of occupancy and any stated conditions. The residential structure and all approved building service equipment shall be maintained in accordance with the approval. When a residential building or structure is entitled thereto (constructed according to the approved construction documents, final tests and inspections are completed, and no orders of the building official are outstanding, or as permitted in section 111 of the current 2007 Residential Code of Ohio and all successors thereto), the residential building official shall issue a certificate of occupancy in a timely manner. *L.C. Building Official*
15. Prior to issuance of a Certificate of Occupancy, the Lake County Building Department shall have confirmation and receive the Plumbing Certificate of Use from the Lake County General Health District, and confirmation and receive the Final Grade / Drainage Inspection from the Lake County Engineer's Office or the Jurisdiction's City / Village Engineer. *L.C. Building Official*
16. The Subdivision review requests for the Stein Farm Subdivision Plats Phases 1 through 4 can be summarized with our earlier comments. Furthermore, without improvement plans, it is difficult to determine if the proposed Plat layout will conform to the

improvement plans. Although the County Engineer can approve this general final Plat layout, the County Engineer cannot recommend that the Plat be recorded until either the improvements are completed or surety is posted to complete the Subdivision. *Lake County Engineer*

Proposed Plat Comment:

1. Lots with a 20 foot drive will be addressed with the street it is located on. *Leroy Twp. Zoning Inspector*
2. It is noted that access to the Subdivision is proposed to be from Leroy-Thompson Road, not SR 86, but the Subdivision entrance is approximately 700 feet from SR 86. A majority of the traffic is expected to enter and exit via SR 86.
3. Subdivision lacks allowances for adequate fire prevention. *Leroy Twp. Fire Dept.*
4. No hydrants, only one way into the development. A pond and dry hydrant would be needed for fire prevention. *Leroy Twp. Fire Dept.*
5. We want to be in the same trench as power and phone. *Time Warner Cable*

PHASE 4:

Proposed Final Plat Stipulations:

1. Until improvement plans for the Subdivision are approved, properly endorsed and accepted, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
2. The Plat cannot be recorded until the improvements are installed, inspected, accepted and placed into maintenance or a construction surety or bond is in place to guarantee construction of the improvements. *Article V Section 10*
3. Any Subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three-year maintenance bond or surety when the Subdivision goes into the maintenance phase. *Article V Section 8(D)*



4. Any changes to lot size, frontage or other dimensions required by other agencies (County Engineer, Lake County General District Health District, US Army Corps of Engineers, OEPA, etc.) will require the Plat to be resubmitted. *Article VI Section 6*
5. Signature signs need to be corrected. Replace Leroy Township Trustee Linda Burhenne with Heather Shelton and replace Lake County Planning Commission Secretary Jason Boyd with Russell Schaedlich. *Article III Section 6 (D)(1)(c)*
6. Proper easement language with storm sewer and drainage easements will be determined when the improvement plans are submitted. Changes may be required to the Plat. Lake County Board of Commissioners will not take any storm water easements. *Article III Section 6 (D)(1)(e) & (h)*
7. Easement language on the cover sheet and on the Plat map must conform. The cover sheet has easement language for Local Service Drainage Easement and the Plat has Drainage and Storm Sewer Easements on it. The standard easement language for easements handling storm water facilities that are maintained by the HOA or adjacent homeowners is the Local Service Drainage Easement. *Article III Section 6 (D)(1)(e) & (h)*
8. Any mortgages on the right-of-way must be released prior Plat being recorded. A title policy will be required to verify if mortgages exist or do not exist. *Art. III Section 6 (D)(1)(d)*
9. A radius for the cul-de-sac on Fallen Timbers must be provided. *Article III Section 6 (D)(3)(h)*
10. The preservation areas must have bearings and distances. *Article III Section 6 (D)(1)(e) & (h)*
11. Confirm that subplot 69 conforms to zoning. The frontage of the lot is 142 feet and the area between where the width is substandard to 150 feet and where the lot width is 150 feet does not count towards the lot area. Sublot 69 is close to the minimum lot size and this issue may reduce it below the allowable area. *Article IV Section 7(A)(3)*
12. Existing structures must be removed prior to final approval. *Leroy Twp. Zoning Inspector*
13. No residential building or structure, in whole or in part, shall be used or occupied until the residential building official has issued an approval in the form of a certificate of occupancy. The certificate of occupancy shall indicate the conditions under which the residential building shall be used. The building owner shall only use the structure in compliance with the certificate of occupancy and any stated conditions. The residential structure and all approved building service equipment shall be maintained in accordance with the approval. When a residential building or structure is entitled thereto (constructed according to the approved construction documents, final tests and

inspections are completed, and no orders of the building official are outstanding, or as permitted in section 111 of the current 2007 Residential Code of Ohio and all successors thereto), the residential building official shall issue a certificate of occupancy in a timely manner. *L.C. Building Official*

14. Prior to issuance of a Certificate of Occupancy, the Lake County Building Department shall have conformation and receive the Plumbing Certificate of Use from the Lake County General Health District, and conformation and receive the Final Grade / Drainage Inspection from the Lake County Engineer's Office or the Jurisdiction's City / Village Engineer. *L.C. Building Official*
15. The Subdivision review requests for the Stein Farm Subdivision Plats Phases 1 through 4 can be summarized with our earlier comments. Furthermore, without improvement plans, it is difficult to determine if the proposed Plat layout will conform to the improvement plans. Although the County Engineer can approve this general Final Plat layout, the County Engineer cannot recommend that the Plat be recorded until either the improvements are completed or surety is posted to complete the Subdivision. *Lake County Engineer*

Proposed Plat Comment:

1. Lots with a 20 foot drive will be addressed with the street it is located on. *Leroy Twp. Zoning Inspector*
2. It is noted that access to the Subdivision is proposed to be from Leroy-Thompson Road, not SR 86, but the Subdivision entrance is approximately 700 feet from SR 86. A majority of the traffic is expected to enter and exit via SR 86.
3. Subdivision lacks allowances for adequate fire prevention. *Leroy Twp. Fire Dept.*
4. No hydrants, only one way into the development. A pond and dry hydrant would be needed for fire prevention. *Leroy Twp. Fire Dept.*
5. We want to be in the same trench as power and phone. *Time Warner Cable*

They are only submitting the Final Plats. They are not submitting Improvement Plans per the variance granted in December.

Mr. Radachy stated there were 19 stipulations and 6 comments on Phase 1 and 15 stipulations and 5 comments on Phase 2, 16 stipulations and 5 comments on Phase 3, and 15 stipulations and 5 comments on Phase 4. There are eight stipulations that were common on

all four phases. These all have to deal with no improvements until the Improvement Plans are submitted, Plats cannot be filed until the improvements are installed, and a bond is obtained next. If there are any changes to the lots as per another agency, they will have to resubmit the Plat to you for review. There are a couple of old structures on the site that need to be removed. If there is a mortgage on the Plat, it will need to be released. This has been stipulated.

Some of the phases have different stipulations. Phase 1's sight distance was stipulated as part of the Preliminary Plan but has not been addressed to date. Block length is stipulated again on Phase 1 and 2. This was varied last month, but they have not adhered to the condition to speak with staff about using some kind of traffic calming devices. The Plat cannot be filed until the Developer and/or Engineer meets with staff. In Phase 2, there is an existing lot split. They have a turnout on the eastern side of the road. There is no 30-foot turnout on the western side of the road. As per Regulations, there should be two turnouts so they will need to file a variance in order to get the Plat filed. One of the sublots in Phase 1 does not have the ownership information on the Plat. A couple of the cul-de-sacs do not have the diameters listed so we need to know how wide they are. The preservation easements on Phases 2, 3 and 4 need to have bearings and distances and surveyed locations. They are specifying that the Homeowners' Association needs be able to enforce those areas and they will need to know where they are located. There are two lots that may not meet Township zoning.

Staff is recommending approval on all four phases with these stipulations and comments.

Mr. Pegoraro was disappointed that the Developer did not come in to meet with Mr. Radachy to resolve that issue that might require modification. Mr. Radachy said if they violate the right-of-way in any way, they may have to resubmit their Plat for reapproval.

Mr. Radachy continued that they were approved for 77 sublots as part of the Preliminary Plan but were now down to 76. He was asked about three lots that were never a part of the Preliminary Plan. There are four lot splits that were approved prior to the zoning change in Leroy Township. This part of the Township is now three-acre lots. This Plat was filed prior to the change in zoning on January 10, 2014. This was the first opportunity that the Commission has had to review the Plat and the Improvement Plans would be grandfathered at acre and a half lots.

The Chair questioned whether these existing Plats, if they do not meet specs and require changes, would need to come back and be started over from scratch. Mr. Radachy replied that if the lot configuration is changed, they will need to resubmit the Plats.

Mr. Zondag also stated that the Developer had not dealt with the visual issues and Mr. Radachy agreed. The block length had been varied but the Planning Commission does not have any plans with any of the changes discussed. They have not adhered to the condition on the variance so it was re-stipulated in Phases 1 and 2, but they still need to speak to staff.

Mr. Radachy had not heard any more from the Health Department. It has not been proven that the development has a 550-foot sight distance coming out of the ingress/egress of that road onto Leroy-Thompson Road.

Mr. Morse asked about the pond and dry hydrant issues and Mr. Radachy said this issue would be discussed when the Improvement Plans have been submitted. We do not have this information.

Mr. Pegoraro suggested that, rather than running the risk of having to approve these Plats and turning around and having a meeting with staff and making modifications, it may be prudent to table this until they have had the opportunity to meet with staff and resolve some of these issues. Mr. Radachy said that would need to be done at the Developer's request. To table it, both parties have to agree to table it and take it off the table. There is not time limit on when the Developer would have to take it off the table.

Ms. Pesec asked if the lot sizes would be affected if the Plats were not approved.

Mr. Horacek stated, if the Plats are rejected and they try to re-file, they will have lost their ability to be grandfathered and must use the larger lot size.

Mr. Zondag informed the members that a Parliamentary Procedure option would allow this body to put a time limit to bring it back off the table if they do decide to table this.

Mr. Horacek thought that if it is put on the table, you have to have the agreement from the Developer and you could have an agreement for taking it off the table at the same time as long as they agree to that.

Mr. John Monroe, Attorney for Leroy One, LLC, proposed the proposal be tabled to address some of the issues.

The Chair called for a five minute recess at 6:40 p.m. The meeting was reconvened at 6:45 p.m.

Mr. Monroe submitted a letter to the Chair concerning Stein Farms, Phases 1-4 Final Plats stating, "The Developer, Leroy One LLC, respectfully requests to table the pending

request for approvals for sixty (60) days to address the concerns raised by the Planning Commission and its staff. "

Mr. Siegel moved to table the Stein Farms, Phases 1, 2, 3 and 4 Final Plat approval requests for up to 60 days and Mr. Brotzman seconded the motion.

All voted "Aye".  
Motion Tabled for 60 Days.

### Subdivision Report

Mr. Radachy reported that:

1. Summerwood, Phase 4A Subdivision will be on the County Commissioners' agenda on February 6. It will be for the two lots and right-of-way for Mr. Reibe.
2. The lot splits were along Rt. 608 and Winchell Road. Initially when the Board saw them, Concord Ridge was in two phases and on the other side of the stream was another phase. That phase has been scrapped and is going to both be lot splits. There will be 10 regular lots along the frontage with 2 large lots behind it. These were approved by the Health District at their regular meeting. They will be submitting the deeds and legal descriptions for our review. It was administratively approved by staff and meets Concord Zoning.

### LAND USE AND ZONING REVIEW

#### Concord Township – Proposed District Amendment from RD-2, Research and Limited Industrial to GH, Gateway Health

Mr. Radachy stated there was an air photo in the agenda package mailed to the members showing the sites. He showed a Gateway Business Districts as being just east of the property proposing to be amended from RD-2, Research and Limited Industrial to GH, Gateway Health. The property is now vacant but formerly had housed a garage that has been removed. The 2004 Concord Township Comprehensive Plan had not taken into account that Tri-Point would be moving there. The goal of the Plan was to maintain an 8% Commercial/Industrial District to support the 92% Residential District. The 2006 Auburn-Crile Plan, which developed the Gateway Business District, did not show the Gateway Health District as a possible use. Concord Township created the new Gateway Health District, which they added the residential care facilities, hospice facilities and group homes.

The Land Use and Zoning Committee recommended the Gateway Health District amendment be recommended to be approved. They thought this was a good spot the GH district be established.

Ms. Pesec was concerned if it would be a non-profit residential care facility or for profit. Mr. Radachy stated that, unfortunately, ownership cannot really play into land use discussion. We need to recommend on the use. Is it in a good spot for medical and dental offices, residential care facilities, restaurants, etc? Whether the business is non-profit and not paying taxes or for profit, he did not believe a decision could be based on that. Ms. Pesec said it was just something the Zoning Commission should think about carefully when they look at the uses that are in there so the formula would work properly, which is the whole point of the percentages.

Mr. Pegoraro moved to approve the recommendation to Concord Township of the district change from RD-2 to GH. Mr. Morse seconded the motion.

All voted "Aye".  
Passed unanimously.

#### Painesville Township – Proposed District Amendment from R-3, Duplex to R-1, Single Family

Mr. Radachy remarked that this proposed district amendment from R-3, Duplex to R-1, Single Family. This should look familiar to the Commission because it was presented last month. Once we had sent the recommendation to the Township, they realized they had mistakenly not included both parcels to be placed into the change of zoning. They then re-submitted the change in zoning for the vacant land and asking it to be rezoned from R-3 to R-1.

The Land Use and Zoning Committee recommended this amendment be made based on the same reason addressed last month.

Mr. Siegel moved to recommend Painesville Township approve the district amendment from R-3, Duplex to R-1, Single Family. Mr. Pegoraro seconded the motion.

All voted "Aye".  
Motion passes.

#### Land Use and Zoning Committee

In other Land Use and Zoning business, Mr. Radachy had a few resolutions for the Commission to acknowledge. The first resolution is a "Certificate of Appreciation" for the services of Ms. Evelyn Ross, who resigned. She has served as alternate to Ms. Geraldine

Hausch, Planning Commission member, since June 12, 2003 and as a member of the Land Use and Zoning Committee for 19 years from February 8, 1994 to January 1, 2014.

Mr. Pegoraro moved to approve the Certificate of Appreciation for Ms. Evelyn Ross and Mr. Siegel seconded the motion.

All voted "Aye".

Land Use and Zoning Committee members Ms. Lora Diak and Mr. Mark Welch were to receive certificates for the 15 years they have been on the Committee and their continuing service to the Committee.

Mr. Morse moved to approve the 15-year Certificate of Appreciation for Ms. Lora Diak and Mr. Pegoraro seconded the motion.

All voted "Aye".

Mr. Siegel moved to approve the 15-year Certificate of Appreciation for Mr. Mark Welch and Ms. Pesec seconded the motion.

All voted "Aye".

Mr. Radachy stated we are waiting for Leroy Township to submit someone to replace Ms. Ross on the Committee. We have not had a response from our letter of request to date.

#### REPORTS OF SPECIAL COMMITTEES

##### Coastal Plan Committee

The November meeting of the Lake County Coastal Plan Committee was cancelled. The next meeting will be held on February 26, 2014.

#### CORRESPONDENCE

There was no correspondence.

#### NEW BUSINESS

A Resolution of Appreciation was written for Ms. Hausch for serving as Chair on the Planning Commission for three two-year periods in January, 1987 and 1988; January, 1996 and 1998 and in January, 2012 and 2013 during her membership.

Mr. Pegoraro moved to adopt the Resolution of Appreciation for Ms. Hausch serving as Chair and Mr. Siegel seconded the motion.

All voted "Aye".

Ms. Hausch thanked everyone and stated that although Ms. Ross had resigned from the Land Use and Zoning Committee, she had agreed to stay on as her alternate on the Planning Commission.

#### ADJOURNMENT

Mr. Zondag, Chair adjourned the meeting by elective privilege.

The meeting was closed at 7:05 p.m.